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APR 28 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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*ADMITTED IN VA ONLY

April 28, 1994

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, D.C. 20554

Re: Petition for Waiver of Paragraph 98
of the Third Order on Reconsideration
in Docket No. 92-266

Dear Mr. Caton:

Attached hereto please find an original and 2 copies of
the above referenced Petition.

Should you have any questions regarding this matter,
please contact the undersigned counsel.

Sincerely,

Mark J.

Mark J. Palchick

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BEFORE THE

APR 28 1994

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

WASHINGTON, D.C. 20554

In the matter of

Baraff, Koerner, Olender
& Hochberg, P.C., et al.

Petition for Waiver of
Paragraph 98 of the Third Order on
Reconsideration in Docket No. 92-266

To: Chief, Cable Television Bureau

PETITION FOR WAIVER

Baraff, Koerner, Olender & Hochberg, P.C. ("BKO"), on behalf of those of its clients which have used Economists Inc.'s computer-generated Form 393, the National Cable Television Association ("NCTA") and the Cable Telecommunications Association ("CATA") (collectively "Petitioners"), on behalf of their members which have also used Economists Inc.'s computer generated Form 393, all in order to respond to cable programming service complaints, respectfully request that the FCC waive its determination that any cable operator that used Economists Inc.'s computer-generated Form 393 to respond to a cable programming service complaint must refile the exact same information on a hand-typed, xeroxed or printed version of the FCC official Form 393.

As stated at paragraph 98 of the Third Order on Reconsideration in Docket No. 92-266, (FCC 94-40, released

March 30, 1994), all cable operators that submitted computer-generated Forms 393 must resubmit them by May 29, 1994 (14 days after the Third Order's effective date of May 15, 1994). In support of their view that operators which used Economists Inc.'s computer-generated Form 393 should not be required to resubmit their responses to cable programming service complaints, the following is submitted:

DISCUSSION

The Commission's stated reason for requiring the refiling of computer-generated Forms 393 is that it has received a large number of those forms which required a great deal of FCC processing to determine whether or not they have provided the same information required by the non-computer-generated Form 393 under the format required by the FCC's form.

On April 11, 1994, counsel for Petitioners met with Brett Tarnutzer of the Cable Television Bureau. Andrew Koenig, a representative of Economists Inc., was also in attendance. At that time, Mr. Tarnutzer reviewed Economists Inc.'s Form 393 and compared it to the FCC's official form. On April 12, 1994, counsel was advised that based on Mr. Tarnutzer's review of the two forms, they were substantially identical. In that regard, attached hereto is a copy of the form as generated by the Economists Inc.'s computer disk and the FCC's official form. It should be noted that there are virtually no discernible differences in the two forms. (There is a slight

difference in font types.) The text of both Economists Inc.'s Form 393 and the FCC's Form 393 is identical and is located in the identical places on each form. Moreover, all blocks designated for the provision of information are identical in both forms.

Petitioners appreciate and respect the FCC's concern over having to process Forms 393 that differ from its own "official" form to the extent that that would require a reviewer to search throughout the form to determine whether or not the required information has been submitted. However, as can be seen by an examination of the attached forms (and as confirmed by Mr. Tarnutzer), this is not a problem that arises from operators' use of Economists Inc.'s computer-generated form. Accordingly, the Commission's stated purpose for requiring refiling clearly does not appear to apply to submissions made on Economists Inc.'s Forms 393.

While, as noted above, the Commission should and will have no difficulty in processing Forms 393 which utilize Economists Inc.'s program, in contrast there will be a substantial burden imposed on those cable operators which have already used that form to respond to cable program service complaints since at this time they will be required to re-type (by hand) the exact same information in the exact same spaces on a xeroxed Form 393. Such a requirement is certainly inconsistent with the FCC's enunciated policy of facilitating

access to government as well as inconsistent with the requirements of the Paperwork Reduction Reauthorization Act of 1986, 44 U.S.C.A. 101, 3501, 3505. As the Commission is well aware the Paperwork Reduction Act has as its purpose

"(1) to minimize the Federal paperwork burden for individuals, small businesses, state and local governments, and other persons; . . .

(5) to ensure that automatic data processing, telecommunications, and other information technologies are acquired and used by the federal government in a manner in which . . . reduces waste and fraud and wherever practicable and appropriate, reduces the information processing burden for the federal government and for the persons who provide information to and for the federal government:" at 44 U.S.C. 3501.

In carrying out the purposes of the Paperwork Reduction Act, federal agencies are to "identify areas of duplication in information collection requests and develop a schedule and methods for eliminating duplication." at 44 U.S.C. 3505. Moreover, the FCC is under a direct mandate pursuant to the 1992 amendments to the Communications Act to "seek to reduce the administrative burdens on subscribers, cable operators, franchising authorities and the Commission." at 47 U.S.C. 543(b)(2)(A). As such, the requirement to re-file in these unique and limited circumstances would clearly exalt form over substance to an unacceptable level.

It is BKOH's understanding that Economists Inc. has delivered approximately 500 copies of its computer-generated form to 500 different cable companies. Each of these

companies was then able to, and many did, use the form for responding to cable programming service complaints against their systems. The experience of BKOH is that some of its clients have used the form for as many as 17 different responses. Even if, however, the average is only 10 responses for each of those 500 companies that obtained Economists Inc.'s forms, the number of refiled forms would exceed 5,000! To require cable operators to refile this enormous magnitude of forms and, indeed, for the FCC to impose on itself the daunting burden of receiving so many virtually identical refiled forms, all of which must be re-served on the original complainant and local franchise authority, would be an unjustified and unwarranted waste of governmental and operator resources. Further, this administrative burden will fall especially heavily on operators because of their being subject to the FCC's revised rate regulations which must be implemented between May 15 and July 15, 1994.

CONCLUSION

In light of the above showing, and to serve the clearest public interest, it is respectfully requested by Baraff, Koerner, Olender & Hochberg, P.C., NCTA and CATA that the Commission waive the requirement enunciated at paragraph 94 of the Third Order on Reconsideration in Docket 92-266, supra, that cable operators which have used Economists Inc.'s computer-generated Forms 393 must refile them.

Respectfully submitted,

By: Mark
Mark J. Palchick
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Washington, D.C. 20015
202/686-3200

Stephen R. Effros
Cable Telecommunications Association
PO Box 1005
Fairfax, VA 22030
703/691-8875

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National Cable Television Association
1724 Massachusetts Avenue, NW
Washington, D.C. 20036
202/775-3664

EASY 393

**FCC FORM 393
SAMPLE SET**

I. General Information

Company Data		FORM REFERENCES
Date	9/1/93	PART I, II, III
Name of Cable Operator	XYZ Cable Co.	PART I, II, III
Operator Mailing Address Line 1 (Street #)	1000 Any Street	PART I
Address Line 2 (suite #, etc.) (if needed)	Suite 100	PART I
City	Anytown	PART I
State	XX	PART I
ZIP Code	00000	PART I
FCC Community Unit Identification # (CUID)	XX0000	PART I, II, III
Name of Person to Contact Re: this Form	Joe America	PART I
Telephone Number	000-000-0000	PART I
FAX Number	000-000-0000	PART I
Name of the Local Franchising Authority	Local Cable Regulators	PART I, II, III
Franchising Authority Mailing Address Line 1	500 Any Street	PART I
Mailing Address Line 2 (if needed)	Suite 200	PART I
City	Anytown	PART I
State	XX	PART I
ZIP Code	00000	PART I
Type of Service Being Regulated (See NCLP)	1	PART I, II, III
Are you an entity (e.g., sole-proprietorship, partnership, sub chapter S-corporation) that does not pay federal or state income taxes? (Y/N)	N	
Federal Income Tax Rate	36.00%	SEN. A & C - COL. D, G
State Income Tax Rate	9.00%	SEN. A & C - COL. G
Percent Return on Investment	11.25%	SEN. A & C - COL. G
GNP-PI (Enter the number for the most recent quarter)	124.1	SEN. A & C - COL. F
GNP-PI Time Period (Enter the number of months from 09/30/92 to the end of the most recent GNP-PI quarter)	6	PART II - LN. 122
		PART II - LN. 125

II. Accounting Data for Equipment

Are your accounting records for installations and customer equipment maintained at the SYSTEM level or the FRANCHISE level? ☐ SYSTEM

Enter your current total number of subscribers at this level. This represents your current Equipment/Installation Subscriber Base.	1,200,000	FORM REFERENCES PART II - LN. 104; PART III - LN. 33
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Note: Report all equipment, installation, maintenance, and revenue information at this level, except where noted otherwise.

Cost Accounting Data for Equipment					
	Gross Book	Accumulated Depreciation	Deferred Taxes	Provision for Depreciation	FORM REFERENCES
Vehicles	\$1,000,000.00	\$300,000.00	\$90,000.00	\$100,000.00	SCH. A - COL. B,C,D,H
Tools	\$500,000.00	\$100,000.00	\$40,000.00	\$50,000.00	SCH. A - COL. B,C,D,H
Maintenance Facility	\$1,500,000.00	\$500,000.00	\$160,000.00	\$150,000.00	SCH. A - COL. B,C,D,H
Enter below any other Maintenance/Installation Eq.:					
M-Equip 1	\$300,000.00	\$125,000.00	\$10,000.00	\$30,000.00	SCH. A - COL. B,C,D,H
M-Equip 2	\$100,000.00	\$50,000.00	\$0.00	\$10,000.00	SCH. A - COL. B,C,D,H
Remote 1	\$10,000,000.00	\$4,000,000.00	\$1,000,000.00	\$1,000,000.00	SCH. C - COL. B,C,D,H
Remote 2	\$3,000,000.00	\$1,000,000.00	\$200,000.00	\$300,000.00	SCH. C - COL. B,C,D,H
Remote 3	\$1,000,000.00	\$200,000.00	\$0.00	\$75,000.00	SCH. C - COL. B,C,D,H
Converter Box 1	\$60,000,000.00	\$12,000,000.00	\$4,000,000.00	\$4,000,000.00	SCH. C - COL. B,C,D,H
Converter Box 2	\$30,000,000.00	\$5,000,000.00	\$2,000,000.00	\$2,000,000.00	SCH. C - COL. B,C,D,H
Converter Box 3	\$5,000,000.00	\$1,000,000.00	\$0.00	\$500,000.00	SCH. C - COL. B,C,D,H
Enter below any other Leased Customer Eq.:					
C-Equip 1	\$2,500,000.00	\$500,000.00	\$150,000.00	\$200,000.00	SCH. C - COL. B,C,D,H
C-Equip 2	\$1,600,000.00	\$200,000.00	\$0.00	\$200,000.00	SCH. C - COL. B,C,D,H

III. Installation/Maintenance Expenses

Annual Operating Expenses Associated with Installation and Maintenance of Cable Facilities and Equipment (Excluding Depreciation)	
Salaries and Benefits	\$4,000,000.00
Supplies	\$1,000,000.00
Utilities	\$200,000.00
Other Taxes	\$100,000.00
Enter below any other types of expenses associated with Installation/Maintenance:	
Exp 1	\$150,000.00
Exp 2	\$50,000.00

FORM REFERENCES
SCH. B
SCH. B
SCH. B
SCH. B

SCH. B
SCH. B

IV. Customer Equipment Data

Customer Equipment Data					
Item	Total Units in Service	Monthly Charge* (Per Unit)	Total Annual Maintenance Hours	Exclusive to Upper Tiers Mark "x"	FORM REFERENCES
Remote 1	1,000,000	\$2.50	40,000.00		PART I; PART III - C; SCH. C
Remote 2	320,000	\$1.50	2,400.00		PART I; PART III - C; SCH. C
Remote 3	100,000	\$1.00	1,100.00	x	PART I; PART III - C; SCH. C
Converter Box 1	1,000,000	\$3.50	40,000.00		PART I; PART III - D; SCH. C
Converter Box 2	600,000	\$2.25	7,000.00		PART I; PART III - D; SCH. C
Converter Box 3	120,000	\$1.25	1,000.00	x	PART I; PART III - D; SCH. C
C-Equip 1	90,000	\$1.10	1,200.00	x	PART I; PART III - E; SCH. C
C-Equip 2	40,000	\$0.75	600.00		PART I; PART III - E; SCH. C

* - Exclude any franchise fees

V. Aggregate Equipment Information

You are required to supply data for 9/30/92

Item	Current Data	9/30/92 Data	FORM REFERENCES
Equipment/Installation Subscriber Base	1,200,000	1,150,000	PART II - LN. 104,204; PART III - LN. 33
Avg. Total Monthly Equip./Instal. Rev.	\$8,000,000	\$7,000,000	PART II - LN. 104,204

Annual Labor Hours for Maintenance and Installation of Customer Equipment and Service	100,000	PART III - LN. 4
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Percentage of Maintenance and Equipment Costs Related to Installations and Maintenance of Customer Equipment (Non-Plant Maintenance)	95%	PART III - LN. 2
--	-----	------------------

VI. Information Regarding Installations

Hourly Service Charge	Hourly Rate*
Hourly Rate on Installations (if any)	\$20.00
Hourly Rate on Tier Changes (if any)	

* - Exclude any franchise fees

FORM REFERENCES
PART I
PART I

Installation/Tier Change Information				
Installations/Tier Changes	Charge Per Subscriber*	Hours Per Installation**	Exclusive to Upper Tiers Mark "x"	FORM REFERENCES
Unwired Home	\$50.00	0.8		PART I; SCH. D
Prewired Home	\$40.00	0.6		PART I; SCH. D
Additional Connection /1	\$30.00	0.5		PART I; SCH. D
Additional Connection /2	\$20.00	0.33		PART I; SCH. D
Enter below any other types of Installations:				
Install 1	\$15.00	0.25		PART I; SCH. D
Install 2	\$12.00	0.2	x	PART I; SCH. D
Install 3	\$10.00	0.15	x	PART I; SCH. D
Install 4	\$8.00	0.2		PART I; SCH. D
Flat Fee for Changing Tiers (if any)	\$6.00	0.1		PART I; PART III - LN. 31

* - Exclude any franchise fees

** - If you have looked at the FCC forms and decided that you will definitely use the Hourly Service Charge (HSC) billing method in the future, you may skip this column. If you would instead like to see a comparison of what your company could charge under each of the two methods, you must complete this column

- 1 - at time of initial installation
2 - requiring separate installation

VII. Choice of Billing Method

This is your rate if you select the HSC method:	\$59.08
---	---------

These are your flat rates if you select the Average Rate method:	
Unwired Home	\$47.26
Prewired Home	\$35.45
Additional Connection /1	\$29.54
Additional Connection /2	\$19.49
Install 1	\$14.77
Install 2	\$11.82
Install 3	\$8.86
Install 4	\$11.82
Changing Tiers	\$5.91

Indicate below your choice of billing method for Installations and Tier Changes.
 If your system performs tier changes "by coded entry on a computer or through some other similarly simple method" you must choose option 3 for tier changes (See HELP).

Installations	2	(1) HSC; (2) Average Rate
Tier Changes	2	(1) HSC; (2) Average Rate; (3) Nominal Fee (\$1.99)

FORM REFERENCES

PART I; PART III - STEP B

PART I; PART III - STEP F

VIII. Channel Tier Information

You are required to supply data for 9/30/92

THE FOLLOWING DATA MUST BE REPORTED AT THE FRANCHISE LEVEL:			FORM REFERENCES
Item	Current Data	9/30/92 Data	
Channels on Basic Tier	15	15	PART I; PART II - LN. 102, 202
Channels on Tier 2	7	6	PART I; PART II - LN. 102, 202
Channels on Tier 3	10	9	PART I; PART II - LN. 102, 202
Channels on Tier 4	4	4	PART I; PART II - LN. 102, 202
Total Satellite Channels	18	16	PART II - LN. 110,121,210,220
Monthly Tier Charge, Basic Tier	\$18.00	\$17.00	PART I; PART II - LN. 101,201
Monthly Tier Charge, 2nd Tier	\$8.00	\$7.00	PART I; PART II - LN. 101,201
Monthly Tier Charge, 3rd Tier	\$10.00	\$9.00	PART I; PART II - LN. 101,201
Monthly Tier Charge, 4th Tier	\$6.00	\$5.00	PART I; PART II - LN. 101,201
Subscribers, Basic Tier	1,000,000	950,000	PART II - LN. 103,203; PART III - LN. 33
Subscribers, 2nd Tier	600,000	550,000	PART II - LN. 103,203
Subscribers, 3rd Tier	425,000	400,000	PART II - LN. 103,203
Subscribers, 4th Tier	200,000	180,000	PART II - LN. 103,203

THE FOLLOWING DATA MUST BE REPORTED AT THE SYSTEM LEVEL:		
Item	Current Data	09/30/92 Data
Total System Subscribers	1,200,000	1,150,000

IX. Franchise Fees

You are required to supply data for 9/30/92

	Current Data	9/30/92 Data	FORM REFERENCES
Are franchise fees included in monthly tier charges? (Y/N)	Y	Y	PART I; PART II - LN. 108,208

If you answered "Y" to either of the boxes above, complete the appropriate box(es) below. If you answered "N", please skip that box below.

Enter data in only ONE of the rows below that describes best how franchise fees are calculated for your system.	Current Data	9/30/92 Data	
Franchise Fee as % of Gross Revenue (Enter %)	6.00%		PART I; PART II - LN. 108,208
Franchise Fee as % of Basic (Enter %)			PART I; PART II - LN. 108,208
Franchise Fee per Subscriber (Enter Monthly Per Sub. Fee)		\$0.75	PART I; PART II - LN. 108,208

FCC 393 -- PART I
REQUEST FOR CABLE RATE APPROVAL
COVER SHEET

Community Unit Identification Code XX0000		Date 9/1/93
Name of Cable Operator XYZ Cable Co.		
Mailing Address 1000 Any Street Suite 100		
City Anytown	State XX	ZIP Code 00000
Person to contact regarding this form: Joe America		
Telephone 000-000-0000	Fax Number 000-000-0000	

Local Franchising Authority Local Cable Regulators		
Mailing Address 500 Any Street Suite 200		
City Anytown	State XX	ZIP Code 00000

This form is being filed with respect to: (check one)

- ☒ basic rate regulation or ☐ cable programming service rate regulation

If this form is being filed in response to a complaint about your cable programming service rates, please attach a copy of the complaint to this cover sheet.

The following sections are to be completed after you have filled out the worksheets in PARTS II and III and calculated your actual and permitted rates.

FOR BASIC SERVICE TIER AND EQUIPMENT

Program Service Rate	
(1) Number of channels on basic service tier:	15
(2) Current rate for basic service tier: (do not include any franchise fees)	\$16.92
(3) Maximum permitted per channel rate: (from Line 600, Part II)	\$1.12
(4) Maximum permitted rate for basic service tier: (exclusive of any franchise fee) (multiply (1) by (3) above)	\$16.75

Note: If your current rate for the basic service tier (entry 2) exceeds the maximum permitted rate for that tier (entry 4), you must submit a cost-of-service showing or your basic service rate will be reduced to the maximum permitted level shown in entry 4.

Franchise fees have been excluded from this analysis in order to compare your monthly rate for the basic service tier to the maximum permitted level. Whether you itemize them or not, any franchise fees you pay for the basic service tier should be added to your monthly rate as part of the service when billing your subscribers. See 47 C.F.R. Section 76.985.

EQUIPMENT AND INSTALLATION RATES

Note: Your equipment and installation rates for the basic service tier must not be included in your program service rate for that tier, but rather must be completely unbundled. In addition, those equipment and installation rates must not exceed your actual costs, including a reasonable profit. The method for unbundling your equipment and installation rates from the basic service programming rate, and for determining your permitted equipment and installation rates, is prescribed in Part II (unbundling) and Part III (rate-setting) of this form. Enter in the spaces below the rate figures you have calculated in Part III of this form. Your actual basic service equipment and installation charges may not exceed these rates, although they may be lower.

	PERMITTED	ACTUAL
(1) Charges for basic service installations* (from Lines 6 or 7 of Equipment and Installation Worksheet)		
(a) Hourly rate: OR		
(b) Average installation charges:		
(1) Installation of unwired homes	\$47.26	\$50.00
(2) Installation of prewired homes	\$35.45	\$40.00
(3) Installation of additional connection at time of initial installation	\$29.54	\$30.00
(4) Installation of additional connections requiring separate installation	\$19.49	\$20.00
(5) Other installations (specify):		
Item 1. Install 1	\$14.77	\$15.00
Item 2. Install 2		
Item 3. Install 3		
Item 4. Install 4	\$11.82	\$8.00
(2) Charge for changing tiers (if any) (from Line 29, 30 or 31 of Equipment and Installation Worksheet)	\$5.91	\$6.00
(3) Monthly charge for lease of remote controls (from Line 14 in Equipment and Installation Worksheet)		
Remote control type 1:	\$0.36	\$2.50
Remote control type 2:	\$0.20	\$1.50
Remote control type 3:		
(4) Monthly charge for lease of converter boxes (from Line 21 in Equipment and Installation Worksheet)		
Converter box type 1:	\$1.22	\$3.50
Converter box type 2:	\$0.93	\$2.25
Converter box type 3:		
(5) Monthly charge for lease of other equipment (from Line 28 in Equipment and Installation Worksheet)		
C-Equip 1		
C-Equip 2	\$1.04	\$0.75

* If you have further charges for additional connections beyond those reflected in your installation charge, attach a sheet explaining your calculations and setting forth those additional charges. SEE Note to Equipment and Installation Worksheet Instructions in Part III of this form.

FOR CABLE PROGRAMMING SERVICE RATES AND EQUIPMENT**Program Service Rates**

Note: If you have more than three cable programming service tiers, attach additional sheets with the following information for each tier and provide brief description of the tier.

	Tier 2	Tier 3	Tier 4
(1) Number of channels on cable programming service tier:	7	10	4
(2) Current rate for cable programming service tier: (do not include any franchise fees)	\$7.52	\$9.40	\$5.64
(3) Maximum permitted per channel rate: (from Line 600 on Worksheet 6, Part II)	\$1.12	\$1.12	\$1.12
(4) Maximum permitted rate for cable programming service tier (exclusive of any franchise fees): (multiply (1) by (3) above)	\$7.82	\$11.17	\$4.47

NOTE: If your current rate for cable programming services (entry 2) exceeds the maximum permitted rate (entry 4), you must submit a cost-of-service showing or your cable programming service rate will be reduced to the maximum permitted level shown in entry 4. Franchise fees have been excluded from this analysis in order to compare your monthly rate for cable programming services to the maximum permitted level. Whether you itemize them or not, any franchise fees you pay for cable programming services should be added to your monthly rate as part of the service charge when billing your subscribers. See C.F.R. Section 76.985.

Equipment and Installation Rates

Note: If equipment used for cable programming service is also used to receive the basic tier, then it must be included in basic service equipment. Similarly, if an installation involving cable programming services also involves the basic service tier, it must be included in basic service installations. We anticipate that virtually all equipment and installations will involve the basic service tier and there will thus be no need to complete this part of the cover sheet. However, if you lease equipment and/or provide some installation-related service that involves ONLY your cable programming services, you should complete the following section.

As for basic service, your equipment and installation rates for cable programming service must not be included in your program service rate, but rather must be completely unbundled. In addition, those equipment and installation rates must not exceed your actual costs, including a reasonable profit. The method for unbundling your equipment and installation rates from cable programming service rates, and for determining your permitted equipment and installation rates, is prescribed in Part II (unbundling) and Part III (rate-setting) of this form. Enter in the spaces below the rate figures you have calculated in Part III of this form. Your actual cable programming service equipment and installation charges may not exceed these rates, although they may be lower.

	Permitted	Actual
(1) Charge(s) for cable programming service installations* (from Lines 6 or 7 of Equipment and Installation Worksheet)		
(a) Hourly rate OR		
(b) Average installation charges:		
1. Installation of unwired homes		
2. Installation of prewired homes		
3. Installation of additional connection at time of initial installation		
4. Installation of additional connections requiring separate installation		
5. Other installations (specify)		
Item 1. Install 1		
Item 2. Install 2	\$11.82	\$12.00
Item 3. Install 3	\$8.86	\$10.00
Item 4. Install 4		
(2) Charge for changing tiers (if any) (From Line 29, 30 or 31 of Equipment and Installation Worksheet)		

* If you have further charges for additional connections beyond those reflected in your installation charge, attach a sheet explaining your calculations and setting forth those additional charges. SEE Note to Equipment and Installation Worksheet Instructions.

	Permitted	Actual
(3) Monthly charge for lease of remote controls (from Line 14 in Equipment and Installation Worksheet)		
Remote control type 1:		
Remote control type 2:		
Remote control type 3:	\$0.24	\$1.00
(4) Monthly charge for lease of converter boxes (from Line 21 in Equipment and Installation Worksheet)		
Converter box type 1:		
Converter box type 2:		
Converter box type 3:	\$0.91	\$1.25
(5) Monthly charge for lease of other equipment (from Line 28 in Equipment and Installation Worksheet)		
C-Equip 1	\$0.57	\$1.10
C-Equip 2		

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE
AND/OR IMPRISONMENT (U.S. CODE TITLE 18, SECTION 1001), AND/OR
FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the statements made in this form are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Cable Operator XYZ Cable Co.	Signature
Date 9/1/93	Title

FCC 393, PART II

WORKSHEETS FOR CALCULATING MAXIMUM INITIAL PERMITTED RATE PER CHANNEL FOR
BASIC TIER OR CABLE PROGRAMMING SERVICE

Cable Operator Name: XYZ Cable Co.	Community Unit ID (CUID): XX0000
	Date: 9/1/93
Franchise Authority: Local Cable Regulators	This form is being filed for (check one): <input checked="" type="checkbox"/> Basic Tier <input type="checkbox"/> Cable Programming Service

Worksheet 1

Calculation of Rates in Effect on Initial Date of Regulation and Benchmark Comparison

Line	Line Description	Instruction	A Basic	B Tier 2	C Tier 3	D Tier 4	E Total
101	Tier Charge (Monthly)	Enter for all tiers offered ^	\$18.00	\$8.00	\$10.00	\$6.00	
102	Tier Channels	Enter for all tiers offered	15	7	10	4	
103	Tier Subscribers	Enter for all tiers offered	1,000,000	600,000	425,000	200,000	
104	Equipment Revenue (Monthly)	Enter in Basic Column only	\$6,666,667				
105	Charge Factor	(Line 101 * Line 103) + 104A	24,666,667	4,800,000	4,250,000	1,200,000	34,916,667
106	Channel Factor	Line 102 * Line 103	15,000,000	4,200,000	4,250,000	800,000	24,250,000
107	Charge per Channel	Line 105E / Line 106E					\$1.440
108	Franchise Fee Expense (Monthly)	Enter only fees included in Line 101 charges (See Worksheet Instructions)					\$1,695,000
109	Franchise Fee Deduction	Line 108E / Line 106E					0.070
110	Base Rate per Channel	Line 107E - Line 109E					\$1.370
121	Benchmark Channel Rate	Enter from Attachment A, Benchmark Cable Rate Tables					\$0.584
122	GNP-PI (current)	Enter from Survey of Current Business, Table 7.3, Line 5, most recent quarter					124.1
123	Inflation Factor	(Line 122E / 121.8) - 1 [121.8 = 3rd Qtr 1992 GNP-PI]					0.019
124	Adjustment Time Period	Enter number of months from 9/30/92 to date of current rate					11
125	GNP-PI Time Period	Enter number of months from 9/30/92 to most recent GNP-PI quarter					6
126	Time Factor	Line 124E / Line 125E					1.833
127	Inflation Adjustment Factor	(Line 123E * Line 126E) + 1					1.035
128	Adjusted Benchmark Rate	Line 121E * Line 127E					\$0.604

If Line 110E is less than or equal to Line 128E, skip to Worksheet 3 and enter Line 110E on Line 300.

If Line 110E is greater than Line 128E, complete Worksheet 2.

Cable Operator Name: XYZ Cable Co.	Community Unit ID (CUID): XX0000
	Date: 9/1/93
Franchise Authority: Local Cable Regulators	This form is being filed for (check one): <input checked="" type="checkbox"/> Basic Tier <input type="checkbox"/> Cable Programming Service

Worksheet 2**Calculation of Rates in Effect on September 30, 1992 and Benchmark Comparison**

Line	Line Description	Instruction	A Basic	B Tier 2	C Tier 3	D Tier 4	E Total
201	Tier Charge (Monthly)	Enter for all tiers offered	\$17.00	\$7.00	\$9.00	\$5.00	
202	Tier Channels	Enter for all tiers offered	15	6	9	4	
203	Tier Subscribers	Enter for all tiers offered	950,000	550,000	400,000	180,000	
204	Equipment Revenue (Monthly)	Enter in Basic Column Only	\$5,782,609				
205	Charge Factor	(Line 201 * Line 203) + 204A	21,932,609	3,850,000	3,600,000	900,000	30,282,609
206	Channel Factor	Line 202 * Line 203	14,250,000	3,300,000	3,600,000	720,000	21,870,000
207	Charge per Channel	Line 205E / Line 206E					\$1.385
208	Franchise Fee Expense (Monthly)	Enter only fees included in Line 201 charges (See Worksheet Instructions)					\$712,500
209	Franchise Fee Deduction	Line 208E / Line 206E					0.033
210	Base Rate per Channel	Line 207E - Line 209E					\$1.352
220	Benchmark Channel Rate	Enter from Attachment A, Benchmark Cable Rate Tables					\$0.608
If Line 210E is less than or equal to Line 220E, go to Worksheet 3 and enter Line 220E on Line 300. If Line 210E is greater than Line 220E, go to Line 230.							
230	Reduced Base Rate per Channel	Line 210E * 0.9 [Ten Percent Reduction]					\$1.217

Enter greater of lines 220E and 230E on Worksheet 3, Line 300.

Cable Operator Name: XYZ Cable Co.	Community Unit ID (CUID): XX0000
	Date: 9/1/93
Franchise Authority: Local Cable Regulators	This form is being filed for (check one): <input checked="" type="checkbox"/> Basic Tier <input type="checkbox"/> Cable Programming Service

Worksheet 3**Removal of Equipment and Installation Costs**

Line	Line Description	Instruction	
300	Base Rate per Channel	Enter from Worksheet 1 (Line 110E) or Worksheet 2 (Line 220E or 230E)	\$1.217
301	Equipment & Install. Cost (Monthly)	Enter from Line 34 of Equipment Worksheet (Step G)	\$2,047,288
302	Channel Factor	Enter from Worksheet 1 (Line 106E) or Worksheet 2 (Line 206E)	21,870,000
303	Cost per Subscriber-Channel	Line 301 / Line 302	\$0.094
304	Base Service Rate per Channel	Line 300 - Line 303	\$1.123

If Line 300 was entered from Worksheet 1, go to Line 600 and enter Line 304.

If Line 300 was entered from Worksheet 2, go to Worksheet 4.

Worksheet 4**Adjustment for Inflation**

Line	Line Description	Instruction	
400	Basic Service Rate per Channel	Enter from Worksheet 3 (Line 304)	\$1.123
401	Inflation Adjustment Factor	Enter from Worksheet 1 (Line 127E)	1.035
402	Adjusted Base Ser. Rate per Channel	Line 400 * Line 401	\$1.162

Worksheet 5 should be completed if Line 121E is different than Line 220E.

If Line 121E is the same as Line 220E, go to Line 600 and enter Line 402.

Worksheet 5**Adjustment for Changes in Number of Regulated Channels**

Line	Line Description	Instruction	
500	Adjusted Base Ser. Rate per Channel	Enter from Worksheet 4 (Line 402)	\$1.162
501	Benchmark Channel Rate (Baseline)	Enter from Worksheet 2 (Line 220E)	\$0.608
502	Benchmark Channel Rate (New)	Enter from Worksheet 1 (Line 121E)	\$0.584
503	Channel Adjustment Factor	(Line 502 - Line 501) / Line 501	-0.039
504	Chan Adjusted Base Ser. Rate/Chan.	Line 500 * (1 + Line 503)	\$1.117

If Worksheet 5 was used, enter Line 504 on Line 600.

600	Maximum Initial Permitted Rate per Channel - Enter from Line 304, 402, or 504.	\$1.117
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FCC FORM 393 -- PART III
WORKSHEET FOR CALCULATING EQUIPMENT AND INSTALLATION CHARGES

Cable Operator Name: XYZ Cable Co.	Community Unit ID (CUID): XX0000
Franchise Authority: Local Cable Regulators	Date: 9/1/93
This form is being filed for (check one): <input checked="" type="checkbox"/> Basic Tier <input type="checkbox"/> Cable Programming Service	

STEP A. Hourly Service Charge

LINE 1. Annual cost of maintenance and installation of cable facilities and services (exclude purchase cost of customer equipment) (Box 1 of Schedule A + Box 2 of Schedule B)	\$6,218,488
LINE 2. Customer equipment and installation percentage (attach explanation)	95%
LINE 3. Annual customer equipment maintenance and installation costs, excluding cost of leased equipment (Line 1 x Line 2)	\$5,907,564
LINE 4. Total labor hours for maintenance and installation of customer equipment and service (attach explanation)	100,000
LINE 5. Hourly service charge (HSC) (Line 3 / Line 4)	\$59.08

STEP B. Installation Charge

LINE 6. Uniform HSC for all installations (insert amount from Line 5)	
OR	
LINE 7. Average charge for installation type (see Schedule D for average installation charge calculations)	
a. Unwired home installation (Sch D, Line a.2)	\$47.26
b. Prewired home installation (Sch D, Line b.2.)	\$35.45
c. Additional connection installation at time of initial installation (Sch D, Line c.2)	\$29.54
d. Additional connection installation requiring separate installation (Sch D, Line d.2)	\$19.49
e. Other installations (specify): (Sch D, Line e.2)	
Install 1	\$14.77
Install 2	\$11.82
Install 3	\$8.86
Install 4	\$11.82

STEP C. Charges for Leased Remotes (Calculate separately for each significantly different type and attach additional sheets as necessary)

	Remote 1	Remote 2	Remote 3
LINE 8. Annual capital costs (Column J of Schedule C)	\$1,934,538	\$636,434	\$224,526
LINE 9. Total maintenance/service hours (attach explanation)	40,000	2,400	1,100
LINE 10. Total maintenance/service cost (Line 5 x Line 9)	\$2,363,025	\$141,782	\$64,983
LINE 11. Total cost of remote (Line 8 + Line 10)	\$4,297,564	\$778,215	\$289,509
LINE 12. Number of units in service (Column I of Schedule C)	1,000,000	320,000	100,000
LINE 13. Unit Cost (Line 11 / Line 12)	\$4.30	\$2.43	\$2.90
LINE 14. Rate per month (Line 13 / 12 Months)	\$0.36	\$0.20	\$0.24